

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

**SARASOTA COUNTY ADMINISTRATION CENTER
1660 RINGLING BOULEVARD
COUNTY COMMISSION CHAMBER
SARASOTA, FLORIDA**

9:00 a.m.

Nora Patterson, Chair, District 4
Shannon Staub, Vice Chair, District 3
Paul H. Mercier, District 1
Jon Thaxton, District 5

Also present were:

James Ley, County Administrator
David Bullock, Deputy County Administrator
Stephen DeMarsh, County Attorney
Gary Oldehoff, Assistant County Attorney
Latressa Preston, Deputy Clerk
Claudia Goodson, Deputy Clerk

INVOCATION

Planning and Development Services Zoning Administrator MaryBeth Humphreys

PLEDGE OF ALLEGIANCE

Commissioner Mercier

DISCUSSION SECTION:

1. ENVIRONMENTAL SERVICES

The Board considered the appointment of three individuals to serve two-year terms on the Water and Sewer Advisory Committee as General Representatives, effective through September, 2008.

9:09:46 Board Action: Closed the nominations, without objection.

9:11:37 Board Action: Appointed Jo Hanson, Marian Pomeroy, and Dennis Chapman, without objection.

2. ENVIRONMENTAL SERVICES

Presentation on the Charlotte Harbor National Estuary Program (CHNEP).

Public Presenter: Dr. Lisa Beever, Director of CHNEP

Item submitted: Copy of the PowerPoint presentation
(9:38:47)

3. PLANNING AND DEVELOPMENT SERVICES

The Board considered an amendment to the Local Housing Assistance Plan (LHAP) to define "Essential Services Personnel."

Staff Presenter: Planning and Development Services Housing and Community Development Services General Manager Donald Hadsell

3. PLANNING AND DEVELOPMENT SERVICES - Continued

9:45:21 Board Action: Approved Amendment No. 1 of the LHAP for Fiscal Years (FY) 2005/2006, 2006/2007, and 2007/2008, to include the "Essential Services Personnel" definition. Moved by Staub, seconded by Thaxton, carried by a 4-0 vote.

PUBLIC HEARINGS:**4. ENVIRONMENTAL SERVICES**

Public hearing to consider a proposed Resolution, Coastal Setback Variance Petition No. 79-03-06-375, a petition by Kenneth Erlick, represented by Attorney William Merrill, Agent, to demolish the existing residence and construct a single-family residence, a driveway, and a deck. All proposed construction will be a maximum of 199.6 feet \pm seaward of the Gulf Beach Setback Line at the property located at 656 Beach Road, Siesta Key.

Staff Presenter: Environmental Services Environmental Specialist II Rachel Herman

Public Presenter: Attorney William Merrill, III

9:49:42 Board Action: Continued the public hearing to December 13, 2006, at 1:30 p.m., or as soon thereafter as possible. Moved by Thaxton, seconded by Staub, carried by a 4-0 vote.

Note: Oath/Signature Cards Filed for Record.

5. PUBLIC WORKS

Public hearing to consider a proposed Resolution, Plat Vacation Petition No. PV06-04, a petition by Richard and Michele Davies, to vacate the County's interest over a five-foot platted, public drainage and utility side lot line easement lying at the southwest corner within Lot 841, Sarasota Springs, Unit No. 7, to clear a title defect caused by the encroachments.

Staff Presenter: Public Works Real Property Manager Lin Kurant

9:51:53 Board Action: Closed the public hearing. Moved by Thaxton, seconded by Staub, without objection.

9:52:20 Board Action: Adopted Resolution No. 2006-243, approving Plat Vacation Petition No. PV06-04. Moved by Staub, seconded by Thaxton, carried by a 4-0 vote.

Note: Oath/Signature Cards Filed for Record.

6. PUBLIC WORKS

Public hearing to consider a proposed Resolution, Plat Vacation Petition No. PV06-09, a petition by Robert and Patricia Norris, to vacate the County's interest over an eight-foot wide platted, private, rear lot line drainage and utility easement lying at the southwesterly corner within Lot 4, Bent Tree Village, Unit No. 2, to clear a title defect caused by the encroachments.

Staff Presenter: Public Works Real Property Manager Lin Kurant

9:54:36 Board Action: Closed the public hearing. Moved by Thaxton, seconded by Staub, without objection.

9:55:03 Board Action: Adopted Resolution No. 2006-244, approving Plat Vacation Petition No. PV06-09. Moved by Thaxton, seconded by Staub, carried by a 4-0 vote.

Note: Oath/Signature Cards Filed for Record.

7. PUBLIC WORKS

Public hearing to consider a proposed Contract, Amendment No. 1 to Contract No. 2004-058, amending the Development Agreement, with Gateway Associates, LLLP, and Lowes Home Centers, Inc. for the Fruitville Road/Cattlemen Road Intersection Improvement Project.

Staff Presenter: Public Works Transportation Planning Policy and Project Manager Tom Polk

Public Presenters: Steve Henry of Lincks and Associates, Inc., and Attorney Michael Furen

Items submitted: Copy of an aerial map entitled "Cattlemen Road/Fruitville Road - Intersection Improvements"

10:14:50 Board Action: Closed the public hearing. Moved by Thaxton, without objection.

10:17:49 Board Action: Approved Contract No. 2007-071, Amendment No. 1 to Contract No. 2004-058, amending the Development Agreement, with Gateway Associates, LLLP, and Lowes Home Centers, Inc., for the Fruitville Road/Cattlemen Road Intersection Improvement Project. Moved by Thaxton, seconded by Mercier, carried by a 4-0 vote.

Note: Oath/Signature Cards Filed for Record.

RECESS: 10:35 a.m. - 1:33 p.m.

8. OPEN TO PUBLIC - Opened and closed without comment.
(1:36:10)

DISCUSSION SECTION: - Continued

9. ENVIRONMENTAL SERVICES

The Board considered authorization for the preparation of a Resolution, authorizing the issuance of a Notice of Redemption, for the County Utilities System Revenue Refunding Bonds, Series 1966A maturing on or after October 1, 2009; at a redemption price of 102 percent, in the principal amount of \$29,185,000.00.

Staff Presenter: Environmental Services Operations General Manager George MacFarlane

Items submitted: A copy of Staff's presentation

1:43:32 Board Action: Authorized Staff to prepare a Resolution, authorizing the issuance of a Notice of Redemption, for the County Utilities System Revenue Refunding Bonds, Series 1966A, maturing on or after October 1, 2009; at a redemption price of 102 percent, in the principal amount of \$29,185,000.00. Moved by Thaxton, seconded by Staub, carried by a 4-0 vote.

(1:54:37)

PUBLIC HEARINGS:**10. PLANNING AND DEVELOPMENT SERVICES**

Sitting as the Sarasota County Community Redevelopment Agency (CRA):

- A. (Not a public hearing.) To consider Amendment No. 5 to the Englewood CRA Plan to add a Stormwater Project;
Sitting as the Board of County Commissioners (BCC):
- B. Public hearing to consider a proposed Resolution, Amendment No. 5 to the Englewood CRA Plan, to add a Stormwater Project.
- C. (Not a public hearing.) To consider a proposed Contract, Specific Authorization No. 1 to Contract No. 2005-433, with WilsonMiller, Inc., for the completion of the final design, engineering, and permitting for the Englewood CRA Stormwater Improvement Project, in the amount of \$309,267.00.

Staff Presenters: Planning and Development Services Community Redevelopment Area Coordinator Christine Davis, County Attorney Stephen DeMarsh, Environmental Services Water Resources General Manager Theresa Connor, Planning and Development Services Chief Building Official Paul Radauskas, Environmental Services Stormwater Technical Services Surface Water Manager Warren Davis, and Deputy County Administrator David Bullock

Item submitted: A copy of correspondence from Elaine Miller-Sanchez

Public Presenter: Taylor Meals

2:13:10 Board Action: Recommended that Staff, WilsonMiller, Inc., and area developers work together on the Stormwater Project. Requested by Staub, without objection.

2:17:29 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

2:18:16 Board Action (Sitting as the CRA): Approved Amendment No. 5 to the Englewood CRA Plan to add a Stormwater Project. Moved by Staub, seconded by Mercier, carried by a 4-0 vote.

Chair Patterson adjourned the CRA and reconvened as the BCC.

2:19:19 Board Action: Adopted Resolution No. 2006-245, approving Amendment No. 5 to the Englewood CRA Plan to add a Stormwater Project. Moved by Staub, seconded by Mercier, carried by a 4-0 vote.

2:19:19 Board Action: Approved Contract No. 2007-072, with WilsonMiller, Inc., for the Englewood CRA Stormwater Improvement Project, in the amount of \$309,267.00. Moved by Staub, seconded by Mercier, carried by a 4-0 vote.

2:20:28 Board Action: Directed the County Administrator to initiate discussions with the Southwest Florida Water Management District (SWFWMD) CEO regarding the delegation of SWFWMD permitting to the County for the specific area of the Englewood CRA and Town Center. Moved by Staub, seconded by Thaxton, carried by a 4-0 vote.

Note: Oath/Signature Cards Filed for Record.

(1:43:40)

11. PLANNING AND DEVELOPMENT SERVICES

- A.** Second public hearing to consider proposed Ordinance No. 2006-078, amending Ordinance No. 2003-052, the Zoning Ordinance, as amended and codified, as Appendix A of the County Code, adding Article 12, Community Housing Development (CHD) to establish the Affordable Housing Overlay District (AHOD). (No recommendation provided by the Planning Commission.) (Note: First public hearing was held on October 24, 2006.)
- B.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2006-078 consistent with the Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)

Staff Presenters: Planning and Development Services Community Housing Manager Wendy Thomas and County Attorney Stephen DeMarsh

1:54:10 Board Action: Continued the public hearing to December 19, 2006, at 1:30 p.m., or as soon thereafter as possible. Moved by Staub, seconded by Mercier, carried by a 4-0 vote.

Note: Oath/Signature Cards Filed for Record.

(2:20:52)

12. PLANNING AND DEVELOPMENT SERVICES

- A.** Public hearing to consider a proposed Resolution, Comprehensive Plan Amendment No. RU-131, a petition by Judson Pankey, Agent, a privately-initiated revision to the Future Land Use Map (FLUM) to change the designation of a 276.32 acre \pm parcel located at the southwest corner of University Parkway and Interstate 75 (I-75) from CHI (Commercial Highway Interchange), Major Employment Center (MEC)/Interstate Regional Office Park (IROP), $\frac{1}{2}$ Village I Commercial Center, High Density Residential (>9 and <13 units/acre), to Regional Commercial Center, Village II Commercial Center and High Density Residential (>9 and <13 units/acre) (Planning Commission recommended approval);
- B.** Public hearing to consider proposed Ordinance No. 2006-080, a petition by Judson Pankey, Agent, a privately-initiated Substantial Deviation to a previously approved Development of Regional Impact (DRI), Sarasota Interstate Park of Commerce (SIPOC), a 276.32 acre \pm parcel located on the southwest quadrant of University Parkway and Interstate 75 (I-75) (Planning Commission recommended approval);
- C.** Public hearing to consider proposed Ordinance No. 2006-079, Rezone Petition No. 06-12, a petition by Judson Pankey, Agent, to rezone 276.32 acres \pm located on the southwest quadrant of University Parkway and Interstate 75 (I-75), from CHI (Commercial, Highway Interchange), CG (Commercial General), PCD (Planned Commerce Development), and PID (Planned Industrial District) to CG and RMF-3/PUD (Residential, Multi-Family, 13 units/1 acre/Planned Unit Development) zone districts with Special Exceptions (Planning Commission recommended approval);
- D.** Public hearing to consider a proposed Resolution, Special Exception Petition No. 1640, a petition by Judson Pankey, Agent, to allow six zone district modifications to the Development Concept Plan under CG (Commercial General), for the property located at the southwest corner of University Parkway and Interstate 75 (I-75) (Planning Commission recommended approval).

Chair Patterson opened the public hearings simultaneously.

12. PLANNING AND DEVELOPMENT SERVICES - Continued

Staff Presenters: Assistant County Attorney Gary Oldehoff, Planning and Development Services Planning Director Anne McClung, Planning and Development Services Principal Planner I Brian Beatty, County Attorney Stephen DeMarsh, Environmental Services Resource Protection Environmental Specialist III Todd Hershfeld, Planning and Development Services Senior Planner Todd Dary, Public Works Transportation Mobility Planning Manager Paula Wiggins, Public Works Transportation Planning Policy and Project Manager Tom Polk, County Administrator James Ley, and Planning and Development Services Current Planning Manager Crystal Allred

3:10:50 Board Action: Directed Staff to schedule a future Board workshop on Staff's methodology relative to traffic analysis and concurrency issues. Requested by Staub, without objection.

3:21:22 Board Action: Recommended that Staff coordinate the future location/funding of an area fire station with Manatee County. Requested by Mercier, without objection.

3:26:36 Board Action: Recommended that Staff add DRI provisions to address commercial recycling and green building. Requested by Staub, carried without objection.

RECESS: 3:44 p.m. - 4:01 p.m.

Public Presenters: Benderson Development Managing Director Randall Benderson, Agent Ed Vogler, Benderson Development Design Director Derek Watts, Managing Partner of the Forbes Company Nathan Forbes, Nathan Benderson, Frank Reuss, Christopher Torres, Tom Streck, Steve Scalione, and Robert Wachter

Items submitted: Copy of a document entitled "Roadmap for SIPOC Applications," copy of a Master Development Plan (Map C-3), a copy of a Comprehensive Plan Change/Existing and Proposed Land Use map, and a copy of Christopher Torres' presentation

RECESS: 5:14 p.m. - 5:21 p.m.

Public Presenters: Arlene Teplansky, John Teplansky, Bill Sgro, Larry Lieberman, Frank Hutchinson, and Maria Hutchinson

6:01:10 Board Action: Closed the public hearings. Moved by Staub, seconded by Thaxton, without objection.

6:10:51 Board Action: Recommended the adoption of a Resolution, approving Comprehensive Plan Amendment No. RU-131. Moved by Mercier, seconded by Staub, failed by a 2-2 vote; Patterson and Thaxton voted "No."

6:12:29 Board Action: Reopened the public hearings, without objection.

6:22:40 Board Action: Reconsidered the question. Moved by Thaxton, seconded by Staub, carried by 4-0 vote.

6:25:58 Board Action: Continued the public hearings to January 23, 2007, at 9:00 a.m., or as soon thereafter as possible. Moved by Staub, seconded by Mercier, carried by a 4-0 vote.

Mr. Vogel noted agreement with the continuance of the public hearings.

Note: Oath/Signature Cards Filed for Record.

13. OTHER BUSINESS

A. ADMINISTRATION

9:05:12 Board Action: Directed Staff to reschedule the time of the afternoon Board meeting on November 28, 2006, to 1:00 p.m., without objection.

B. COMMISSION AND COMMITTEE REPORTS

Commr. Mercier commented on and discussions were held on the following topics/issues: Internet Sales Tax Funding, a presentation by the Florida Department of Community Affairs (FDCA) on grid systems/future developments of grid systems through Metropolitan Planning Organizations (MPO), and commended Supervisor of Elections Kathy Dent and her Staff for their efforts during the election recount.

10:33:37 Board Action: Directed Staff to revise the heading "Commission Reports" to "Commission and Committee Reports," on future Board Agendas. Requested by Staub, without objection.

C. PUBLIC WORKS

Staff Presenter: Deputy County Administrator David Bullock

1:35:35 Board Action: Approved Contract No. 2007-073, amending Contract No. 2006-251, a Reassignment of a Solar Energy Site Lease, from PVONE, LLC, to MMA FLA, LP, for the installation, construction, operation, and maintenance of a photovoltaic energy system under the Florida Power and Light (FPL) Company Sunshine Energy Program, contingent upon MMA FLA, LP, obtaining a Florida business license prior to the commencement of the project. Moved by Thaxton, seconded by Staub, carried by a 4-0 vote.

D. SUPERVISOR OF ELECTIONS

4:01:22 Board Action: Read an Election Notice noting a Canvassing Board meeting on November 16, 2006, at 9:00 a.m., at the Sarasota County Operations Center, 1001 Sarasota Center Boulevard, Sarasota, to commence the manual recount of under votes in the 13th Congressional District race and the simultaneous printing of ballot image reports to commence at the Supervisor of Elections Office, 101 South Washington Boulevard, First Floor, Sarasota, and advising members of the public that activities may be observed at each location. Read by Chair Patterson pursuant to Florida Statutes.

MEETING ADJOURNED: 6:26 p.m.

MINUTES APPROVED: _____

Chair